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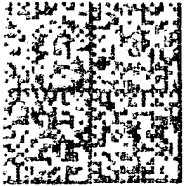
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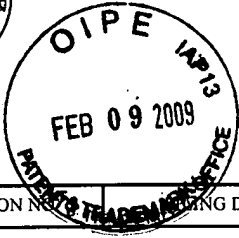
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,409	09/04/2003	Timothy M. Keiser		6575

7590 01/28/2009  
TIMOTHY M. KEISER  
1322 WELLESLEY AVENUE, #5  
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EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3696

MAIL DATE	DELIVERY MODE
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01/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/655,409

**Applicant(s)**

KEISER ET AL.

**Examiner**

Clement B. Graham

**Art Unit**

3692

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-32, 34, 38-43 and 97-143 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 20-32, 34, 38-43 and 97-143 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/4/04, 7/26/04, 1/27/05</u>                                  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 20-32, 34, 38-43, 97-143 remained pending in this application and claims 33, 35-37, and 44-96 has been cancelled.

#### **2. Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20, 98, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent a method claim must (1) be tied to another statutory class of invention (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). A method claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 20, 98 fail to meet the above requirements since there is not a sufficient tie to another statutory class.

#### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

Art Unit: 3692

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-32, 34, 38-43, 97-143 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al (Hereinafter Hunt Patent No. 5,724,524) in view of Kiron et al (Hereinafter Kiron Patent No. 6, 088, 685).

5. Claims 20-32, 34, 38-43, 97-143, are rejected under 35 U.S.C. 102(e) as being anticipated by Hereinafter over Hunt et al (Hereinafter Hunt Patent No. 5,724,524).

As per claim 20, Hunt discloses a method for trading a financial instrument comprising:

receiving at a computer device least one order to buy or sell the instrument, and executing a trade on the instrument at the determined price. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

Hunt fail to explicitly teach the financial instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post-release stage determining a price for the instrument based at least in part on the development stage of the item at a time of a trade.

However Kiron discloses identifying a group of securities, separating the group of securities into at least one subset of securities satisfying a predetermined criteria, creating an open ended financial product having a fixed number of outstanding shares over a predetermined period of time and a portfolio comprising of securities within the subset of securities, identifying from the group of securities a revised subset of securities satisfying the predetermined criteria, changing the securities comprising the portfolio in response to the identifying of the revised subset of securities, determining in real time the price of the financial product based on a user-defined method of weighting the securities comprising the portfolio, and outputting an indication of the real time determined price of the financial product in a humanly readable format.(note abstract and see column 8 lines 11-51 and column 7 lines 7-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hunt to include financial instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post-release stage determining a price for the instrument based at least in part on the development stage of the item at a time of a trade taught by Kiron in order to produce a price that account for the creation phases of the product.

As per claim 21, Hunt discloses wherein the item comprise a movie and the price of the instrument in a pre-release stage is based at least in part on estimated box office revenues of the movie and in a release stage the price of the instrument is based at least in part on actual box office revenues of the movie. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 22, Hunt discloses wherein the item has an undetermined release date, the method further comprising fixing the release date for the item after the execution of the trade. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 23, Hunt discloses re-leas date wherein in a pre-release stage the price of the instrument is based at least in part on estimated revenues associated with the item and wherein in a release stage the price of the instrument is based at least in part on actual revenues associated with the item. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 24, Hunt discloses wherein the plurality of stages of development associated with the item comprise a plurality of pre-release stages, and the price for the instrument is based at least in part on a likelihood of success associated with the pre-release stage of the item. (Note abstract and see column 5 lines 15-40

and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 25, Hunt discloses wherein each of the stages of development has a development factor associated therewith and wherein the price of the instrument is determined by multiplying an initial price for the instrument by a development factor. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 26, Hunt discloses wherein the instrument is traded in an initial offering and the price of the instrument is based at least in part on a number of shares issued in the initial offering for the instrument. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 27, Hunt discloses wherein the price of the instrument is further based at least in part on at least one of estimated revenues associated with the item and actual revenues associated with the item. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 28, Hunt discloses wherein the item is a movie in a post-release stage and the price for the instrument is based at least in part on an opening weekend box office gross revenue and historic multiplier for total gross revenue. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 29, Hunt discloses further comprising triggering an automatic ghost trade for the instrument. (Note abstract and see column 5 lines 15-40 and

Art Unit: 3692

column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 30, Hunt discloses wherein triggering the automatic ghost trade comprises: retrieving a buy probability constant; generating a random trade constant. placing a buy order when the buy probability constant exceeds the random trade constant ; and placing a sell order when the buy probability constant does not exceed the random trade constant. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40)..

As per Claim 31, Hunt discloses wherein the determining the price of the instrument comprises: determining a buy-sell imbalance between tore buy orders and t4ae sell orders for the instrument; and computing a price increase or decrease for the instrument based on the buy-sell imbalance. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 32, Hunt discloses wherein the price of the instrument is increased or decreased incrementally based at least in part on a security price increment constant. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 34, Hunt discloses further comprising: a security break threshold to the computed price increase or decrease and increasing or decreasing the price of the of the instrument based at least in part on a security break increment when the increase or decrease exceeds the security break threshold . (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3



Art Unit: 3692

lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 38, Hunt discloses further comprising:  
comparing a stock halt threshold to the computed price increase or decrease and halting trading when the computed price increase or decrease exceeds the stock halt threshold. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 39, Hunt discloses wherein trades are executed in cycles each cycle having a market price associated therewith and wherein the price of the instrument is determined by increasing or decreasing the market price of a previous cycle by the computed price increase or decrease. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 40, Hunt discloses further comprising storing trade volume information and trade price information for each trade order for t4i-e a plurality of instruments. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 41, Hunt discloses further comprising:  
receiving a query for requesting trade volume statistics for a selected instrument;  
analyzing the stored trade volume information in response to the received query;  
and generating and displaying the trade volume statistics for the selected instrument in response to analyzing the stored trade volume information(Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 42, Hunt discloses further comprising:  
receiving a query for requesting buy versus sell volume statistics for a selected instrument;

Art Unit: 3692

analyzing the stored trade volume information and the stored trade price information in response to the received query; and  
generating and displaying the buy versus sell statistics for the selected instrument in response to the analyzing the stored trade volume information and the stored trade price information. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 43, Hunt discloses further comprising:  
storing a plurality of categories of trade information relating to the plurality of trade orders;  
receiving a query for requesting statistics for a selected category in a selected instrument analyzing stored categories of trade information in response to the received query; and generating and displaying statistical information for the selected category in the selected instrument in response to the analyzing the stored categories of trade information. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 97, Hunt discloses wherein the item is at least one of a product, a movie, and a service company. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 98, Hunt discloses a method comprising:  
receiving at a computer device a request for information associated with at least one derivative financial instrument and communicating a price for the at least one instrument in response to the request. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

Hunt fail to explicitly teach instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post release stage; and the price determined based at least in part on the item being in a pre-release development stage at a time of a trade.

However Kiron discloses identifying a group of securities, separating the group of securities into at least one subset of securities satisfying a predetermined criteria, creating an open ended financial product having a fixed number of outstanding shares over a predetermined period of time and a portfolio comprising of securities within the subset of securities, identifying from the group of securities a revised subset of securities satisfying the predetermined criteria, changing the securities comprising the portfolio in response to the identifying of the revised subset of securities, determining in real time the price of the financial product based on a user-defined method of weighting the securities comprising the portfolio, and outputting an indication of the real time determined price of the financial product in a humanly readable format.(note abstract and see column 8 lines 11-51 and column 7 lines 7-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hunt to include instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post release stage; and the price determined based at least in part on the development stage of the item at a time of a trade taught by Kiron in order to produce a price that account for the creation phases of the product.

As per Claim 99, Hunt discloses wherein the item comprises a movie, and the price of the instrument in a prerelease stage is based at least in part on estimated box office revenues of the movie and in a release stage the price of the instrument is based at least in part on actual box office revenues of the movie. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

Art Unit: 3692

As per Claim 100, Hunt discloses wherein in a prerelease stage the price of the instrument is based at least in part on estimated revenues associated with the item and wherein in a release stage the price of the instrument is based at least in part on actual revenues associated with the item. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 101, Hunt discloses wherein the plurality of stages of development associated with the item comprises a plurality of pre-release stages, and the price for the instrument is based at least in part on a likelihood of success associated with each pre-release stage. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 102, Hunt discloses wherein each of the stages of development has a development factor associated therewith and wherein the price of the instrument is determined by multiplying an initial price for the instrument by a development factor. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 103, Hunt discloses wherein the instrument is offered in an initial offering and the price of the instrument is based at least in part on a number of shares issued in the initial offering for the instrument. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 104, Hunt discloses wherein the price of the instrument is further based at least in part on at least one of estimated revenues associated with the item and actual revenues associated with the item. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line

Art Unit: 3692

5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 105, Hunt discloses wherein the item is a movie in a post-release stage and the price for the instrument is based at least in part on an opening weekend box office gross revenue and a historic multiplier for total gross revenue.

As per Claim 106, Hunt discloses further determined based at least in part on a buy sell imbalance on between buy and sell orders for the instrument and at least one ghost trade in the instrument triggered automatically. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 107, Hunt discloses wherein the at least one ghost trade is a buy order if a buy probability constant associated with the instrument exceeds a randomly generated trade constant and the at least one ghost trade is a sell order if the buy probability constant associated with the instrument does not exceed the randomly generated trade constant. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 108, Hunt discloses wherein the price reflects a price increase or decrease applied to a previous price for the instrument based on a buy-sell imbalance between buy orders and sell orders for the instrument. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 109, Hunt discloses wherein the price increase or decreased is computed based at least in part on a security price increment constant. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 110, Hunt discloses wherein the price reflects a security break increment when the increase or decrease exceeds a security break threshold. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 111, Hunt discloses wherein trades in the instrument are executed in cycles, each cycle having a market price associated therewith, and wherein the price reflects an increase or decrease applied to the market price of the instrument for a previous cycle. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 112, Hunt discloses a system comprising at least one computing device having a memory associated therewith, the memory comprising software stored thereon that when executed performs a method comprising: receiving at least one order to buy or sell a derivative financial instrument, executing a trade on the instrument at the determined price. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

Hunt fail to explicitly teach financial instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post-release stage determining a price for the instrument based at least in part on the item being in a preprelease development stage of the item at a time of a trade.

However Kiron discloses identifying a group of securities, separating the group of securities into at least one subset of securities satisfying a predetermined criteria, creating an open ended financial product having a fixed number of outstanding shares over a predetermined period of time and a portfolio comprising of securities within the subset of securities, identifying from the group of securities a revised subset of securities satisfying the predetermined criteria, changing the securities comprising the

Art Unit: 3692

portfolio in response to the identifying of the revised subset of securities, determining in real time the price of the financial product based on a user-defined method of weighting the securities comprising the portfolio, and outputting an indication of the real time determined price of the financial product in a humanly readable format.(note abstract and see column 8 lines 11-51 and column 7 lines 7-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hunt to include financial instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post-release stage determining a price for the instrument based at least in part on the development stage of the item at a time of a trade; and taught by Kiron in order to produce a price that account for the creation phases of the product.

As per Claim 113, Hunt discloses wherein the item comprises a movie and the price of the instrument is based at least in part on estimated box office revenues of the movie in a pre-release stage and the price of the instrument is based at least in part on actual box office revenues of the movie in a release stage. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 114, Hunt discloses wherein the item has an undetermined release date, the method further comprising fixing the release date for the item after the execution of the trade(Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 115, Hunt discloses wherein in a prerelease stage the price of the instrument is based at least in part on estimated revenues associated with the item and wherein in a release stage the price of the instrument is based at least in part on actual revenues associated with the item. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5)

Art Unit: 3692

and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 116, Hunt discloses wherein the plurality of stages of development associated with the item comprise a plurality of pre-release stages, and the price for the instrument is based at least in part on a likelihood of success associated with the pre-release stage of the item (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 117, Hunt discloses wherein each of the stages of development has a development factor associated therewith and wherein the price of the instrument is determined by multiplying an initial price for the instrument by a development factor. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 118, Hunt discloses wherein the instrument is traded in an initial offering and the price of the instrument is based at least in part on a number of shares issued in the initial offering for the instrument. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 119, Hunt discloses wherein the price of the instrument is further based at least in part on at least one of estimated revenues associated with the item and actual revenues associated with the item. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 120, Hunt discloses wherein the item is a movie and in a post-release stage the price for the instrument is based at least in part on an opening weekend box office gross revenue and a historic multiplier for total gross



Art Unit: 3692

revenue (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price. (see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 121, Hunt discloses further comprising triggering an automatic ghost trade for the instrument. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price. (see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 122, Hunt discloses wherein triggering the automatic ghost trade comprises:

retrieving a buy probability constant; generating a random trade constant;

placing a buy order when the buy probability constant exceeds the random trade constant and placing a sell order when the buy probability constant does not exceed the random trade constant. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price. (see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 123, Hunt discloses wherein determining the price of the instrument comprises:

determining a buy-sell imbalance between buy orders and sell orders for the instrument; and computing a price increase or decrease for the instrument based on the buy-sell imbalance. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price. (see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 124, Hunt discloses wherein the price of the instrument is increased or decreased incrementally based at least in part on a security price increment constant. (see column 1 lines 44-67 and column 2-22 lines 1-77).

As per Claim 125, Hunt discloses further comprising:  
comparing a security break threshold to the computed price increase or decrease;  
and increasing or decreasing the price of the instrument based at least in part on a

Art Unit: 3692

security break increment when the increase or decrease exceeds the security break threshold. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 126, Hunt discloses further comprising:  
comparing a stock halt threshold to the computed price increase or decrease; and halting trading when the computed price increase or decrease exceeds the stock halt threshold. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 127, Hunt discloses wherein trades are executed in cycles each cycle having a market price associated therewith and wherein the price of the instrument is determined by increasing or decreasing the market price of a previous cycle by the computed price increase or decrease. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 128, Hunt discloses further  
comprising storing trade volume information and trade price information for each trade order for a plurality of instruments. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 129, Hunt discloses wherein the item is at least one of a product, a movie, and a service company. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 130, Hunt discloses a system comprising at least one computing device having a memory associated therewith, the memory comprising software stored thereon that when executed performs a method comprising:

Art Unit: 3692

receiving a request for information associated with at least one derivative financial instrument; and communicating a price for the at least one instrument in response to the request. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

Hunt fail to explicitly teach instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post release stage and the price determined based at least in part on the item being in a pre-release development stage at a time of a trade.

However Kiron discloses identifying a group of securities, separating the group of securities into at least one subset of securities satisfying a predetermined criteria, creating an open ended financial product having a fixed number of outstanding shares over a predetermined period of time and a portfolio comprising of securities within the subset of securities, identifying from the group of securities a revised subset of securities satisfying the predetermined criteria, changing the securities comprising the portfolio in response to the identifying of the revised subset of securities, determining in real time the price of the financial product based on a user-defined method of weighting the securities comprising the portfolio, and outputting an indication of the real time determined price of the financial product in a humanly readable format.(note abstract and see column 8 lines 11-51 and column 7 lines 7-24).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hunt to include teach instrument related to an item having a plurality of stages of development associated therewith comprising at least one pre-release stage and at least one post release stage and the price determined based at least in part on the development stage of the item at a time of a trade taught by Kiron in order to produce a price that account for the creation phases of the product.

As per Claim 131, Hunt discloses wherein the item comprises a movie, and the price of the instrument is based at least in part on estimated box office revenues of

Art Unit: 3692

the movie in a pre-release stage and the price of the instrument is based at least in part on actual box office revenues of the movie in a release stage. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 132, Hunt discloses wherein the price of the instrument is based at least in part on estimated revenues associated with the item in a pre-release stage and wherein the price of the instrument is based at least in part on actual revenues associated with the item in a release stage. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 133, Hunt discloses wherein the plurality of stages of development associated with the item comprises a plurality of pre-release stages, and the price for the instrument is based at least in part on a likelihood of success associated with each pre-release stage. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 134, Hunt discloses wherein each of the stages of development has a development factor associated therewith and wherein the price of the instrument is determined by multiplying an initial price for the instrument by a development factor. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 135, Hunt discloses wherein the instrument is offered in an initial offering and the price of the instrument is based at least in part on a number of shares issued in the initial offering for the instrument. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4

line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 136, Hunt discloses wherein the price of the instrument is further based at least in part on at least one of estimated revenues associated with the item and actual revenues associated with the item. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 137, Hunt discloses wherein the item is a movie and in a post-release stage and the price for the instrument is based at least in part on an opening weekend box office gross revenue and a historic multiplier for total gross revenue. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 138, Hunt discloses the price of the instrument further determined based at least in part on a buysell imbalance on between buy and sell orders for the instrument and at least one ghost trade in the instrument triggered automatically. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 139, Hunt discloses wherein the at least one ghost trade is a buy order if a buy probability constant associated with the instrument exceeds a randomly generated trade constant and the at least one ghost trade is a sell order if the buy probability constant associated with the instrument does not exceed the randomly generated trade constant. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 140, Hunt discloses wherein the price reflects a price increase or decrease applied to a previous price for the instrument based on a buy-sell imbalance between buy orders and sell orders for the instrument. (Note abstract and

see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 141, Hunt discloses wherein the price increase or decreased is computed based at least in part on a security price increment constant. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 142, Hunt discloses wherein the price reflects a security break increment when the increase or decrease exceeds a security break threshold. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

As per Claim 143, Hunt discloses wherein trades in the instrument are executed in cycles, each cycle having a market price associated therewith, and wherein the price reflects an increase or decrease applied to the market price of the instrument for a previous cycle. (Note abstract and see column 5 lines 15-40 and column 14 lines 10-25 and see column 3 lines 55-65 and column 4 line 5) and executing a trade at a set market price.(see column 3 lines 10-15 and column 5 lines 17-40).

#### **Conclusion**

#### **RESPONSE TO ARGUMENTS**

6. Applicant's arguments filed 3/4/08 has been fully considered but they are moot in view of new grounds of rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

CG

Jan 19, 2009

Receipt date: 01/27/2005

10655409 - GAU: 3696

*DFW*



10269-20CON  
(HSX/001 CON5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Timothy Maxwell Keiser, et al.  
Application No. : 10/655,409 Confirmation No. : 6575  
Filed : September 4, 2003  
For : COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM WITH A VIRTUAL  
SPECIALIST FUNCTION  
Group Art Unit : 3623  
Examiner : Not Yet Assigned

New York, New York 10020  
January 24, 2005

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97,  
applicants hereby make the following document of record in  
the above-identified patent application:

Non-Patent Document

Tuchlin; Smooth Negotiating: Making the Director Deal. 1998  
The Internet printout.

Pursuant to 37 C.F.R. § 1.98(d), a copy of the  
document is not provided, because it was originally cited on  
January 21, 2005, and is of record, in parent U.S. Patent

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.G./



Application No. 09/465,607, filed on December 17, 1999, from which priority is claimed.

Applicants believe that no fee is due at this time because this Statement is being submitted before the mailing of a First Office Action on the merits. See 37 C.F.R. § 1.97(b)(3). However, if any fee is due in connection with this Information Disclosure Statement, the Director is hereby authorized to charge payment of any additional fees required or to credit any overpayment of same in connection with this Information Disclosure Statement to Deposit Account No. 06-1075. A duplicate copy of this Information Disclosure Statement is enclosed herewith.

It is respectfully requested that this document be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application.

Applicants request that a copy of Form SB/08, as considered and initialed by the Examiner, be returned with the next communication.

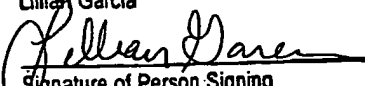
Consideration of the foregoing in relation to this patent application is respectfully requested.

Respectfully submitted,

  
Joel Weiss

Registration No. 44,398  
Attorney for Applicants  
Fish & Neave IP Group  
Ropes & Gray LLP  
Customer No. 1473  
1251 Avenue of the Americas  
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P.O. Box 1450  
Alexandria, VA 22313-1450 on

January 24, 2005  
Lillian Garcia  
  
Signature of Person Signing



Receipt date: 01/27/2005

10655409 - GAU: 3696

PTO/SB/Q&amp;A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if known</b>	
				<b>Application Number</b>	10/655,409
				<b>Confirmation Number</b>	6575
				<b>Filing Date</b>	September 4, 2003
				<b>First Named Inventor</b>	Timothy Maxwell Keiser
				<b>Art Unit</b>	3623
				<b>Examiner Name</b>	Not Yet Assigned
				<b>Attorney Docket Number</b>	HSX/001 CONS
<b>Sheet</b>	1	<b>of</b>	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			

<b>Examiner Signature</b>		<b>Date Considered</b>	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Country Code <sup>1</sup> - Number <sup>2</sup> - Kind Code <sup>3</sup>				

<b>Examiner Signature</b>		<b>Date Considered</b>	
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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue numbers (s), publisher, city and/or country where published	T <sup>4</sup>
		Tuchlin; Smooth Negotiating: Making the Director Deal. 1998 The Internet printout.	

<b>Examiner Signature</b>	/Clement Graham/	<b>Date Considered</b>	01/21/2009
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.G./

Receipt date: 07/26/2004

10655409-*IPW* GAU/9696



10269-20CON  
(HSX/001 CON5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Timothy Maxwell Keiser, et al.  
Application No. : 10/655,409 Confirmation No. : 6575  
Filed : September 4, 2003  
For : COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM WITH A VIRTUAL  
SPECIALIST FUNCTION  
Group Art Unit : 3623  
Examiner : Not Yet Assigned

New York, New York 10020  
July 20, 2004

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97,  
applicants hereby make the following document of record in  
the above-identified patent application:

U.S. Patent Document

6,263,321 July 17, 2001 Daughtery, III, Vergil L.

Pursuant to 37 C.F.R. § 1.98(d), a copy of the  
document is not provided, because it was originally cited on  
June 29, 2004, and is of record, in parent U.S. Patent

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.G./

Application No. 09/465,607, filed on December 17, 1999, from which priority is claimed.

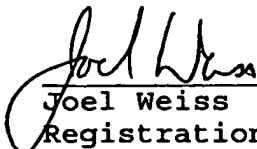
Applicants believe that no fee is due at this time because this Statement is being submitted before the mailing of a First Office Action on the merits. See 37 C.F.R. § 1.97(b)(3). However, if any fee is due in connection with this Information Disclosure Statement, the Director is hereby authorized to charge payment of any additional fees required in connection with this Information Disclosure Statement to Deposit Account No. 06-1075. A duplicate copy of this Information Disclosure Statement is enclosed herewith.

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application.

Applicants request that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

Consideration of the foregoing in relation to this patent application is respectfully requested.

Respectfully submitted,

  
Joel Weiss  
Registration No. 44,398  
Attorney for Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000  
Fax: (212) 596-9090

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450 on

  
July 20, 2004  
Claire J. Z. Mulvaney Goodman

Receipt date: 07/26/2004

10655409 - GAU: 3696  
Sheet 1 of 1

<b>FORM PTO-1449</b>  <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>SUPPLEMENTAL INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>	<b>ATTY. DOCKET NO.</b> 10269-20CON (HSX/001CON5)	<b>APPLN. NO.</b> 10/655,409
	<b>APPLICANTS</b> Timothy Maxwell Keiser, et al.	<b>CONF. NO.</b> 6575
	<b>FILING DATE</b> September 4, 2003	<b>GROUP ART UNIT</b> 3623



**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,263,321	07/17/2001	Daughtery, III, Vergil L.	705	36	

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

EXAMINER INITIAL	

EXAMINER

/Clement Graham/

DATE CONSIDERED 01/21/2009

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.G./

Receipt date: 06/04/2004

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10269-20CON  
(HSX/001 CON5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Timothy Maxwell Keiser, et al.  
Application No. : 10/655,409 Confirmation No. : 6575  
Filed : September 4, 2003  
For : COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM WITH A VIRTUAL  
SPECIALIST FUNCTION  
Group Art Unit : 3623  
Examiner : Not Yet Assigned

New York, New York 10020  
June 2, 2004

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97, applicants hereby make the documents listed in Appendices A, B, C, D, E, F, G, H, I, J and K attached hereto of record in the above-identified patent application.

Documents in Appendix A, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally submitted on April 11, 1996, and are of record, in parent U.S. Patent Application No. 08/620,906, filed March 25, 1996, which issued as Patent No. 5,950,176 on September 7, 1999, from which priority is claimed.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.G./

Documents in Appendix B, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally cited on April 22, 1998, and are of record, in parent U.S. Patent Application No. 08/620,906, filed March 25, 1996, which issued as Patent No. 5,950,176 on September 7, 1999, from which priority is claimed.

Documents in Appendix C, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally cited on June 7, 1999, and are of record, in parent U.S. Patent Application No. 08/620,906, filed March 25, 1996, which issued as Patent No. 5,950,176 on September 7, 1999, from which priority is claimed.

Documents in Appendix D, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally submitted on July 6, 2000, and are of record in parent U.S. Patent Application No. 09/465,607, filed December 17, 1999, from which priority is claimed.

Documents in Appendix E, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally cited on September 12, 2001, and June 25, 2002, and are of record, in parent U.S. Patent Application No. 09/465,607, filed December 17, 1999, from which priority is claimed.

Documents in Appendix F, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally submitted on January 23, 2002, and are of record, in parent U.S. Patent Application No. 09/184,571, filed November 2, 1998, which issued as Patent No. 6,505,174 on January 7, 2003, from which priority is claimed.

Documents in Appendix G, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally cited on August 2, 2002, and are of record, in parent U.S. Patent Application No. 09/184,571, filed November 2, 1998, which issued as Patent No. 6,505,174 on January 7, 2003, from which priority is claimed.

Documents in Appendix H, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally cited on December 1, 1998, and are of record, in parent U.S. Patent Application No. 08/620,906, filed March 25, 1996, which issued as Patent No. 5,950,176 on September 7, 1999, from which priority is claimed.

Documents in Appendix I, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally submitted on October 25, 2002, and are of record in, parent U.S. Patent Application No. 09/465,607, filed December 17, 1999, from which priority is claimed.

Documents in Appendix J, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally submitted on May 12, 2004, and are of record, in parent U.S. Patent Application No. 09/465,607, filed December 17, 1999, from which priority is claimed.

Documents in Appendix K, which are listed on the accompanying Form PTO-1449 (submitted in duplicate), were originally submitted on June 1, 2004, and are of record, in parent U.S. Patent Application No. 09/465,607, filed December 17, 1999, from which priority is claimed.



Accordingly, pursuant to 37 C.F.R. § 1.98(d), copies of documents in appendices A-K are not provided.

Applicants believe that no fee is due at this time because this Statement is being submitted before the mailing of a First Office Action on the merits. See 37 C.F.R. § 1.97(b)(3). However, if any fee is due in connection with this Information Disclosure Statement, the Director is hereby authorized to charge payment of any additional fees required in connection with this Information Disclosure Statement to Deposit Account No. 06-1075. A duplicate copy of this Information Disclosure Statement is enclosed herewith.

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application.

Applicants request that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

Consideration of the foregoing in relation to this patent application is respectfully requested.

Respectfully submitted,

  
Joel Weiss

Registration No. 44,398  
Attorney for Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000  
Fax: (212) 596-9090

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Commissioner for Patents  
P.O. Box 1430  
Alexandria, VA 22313-1450 on

6/2/04  
Claire J. Saintil-Goodman

  
Signature of Person Signing

Receipt date: 06/04/2004

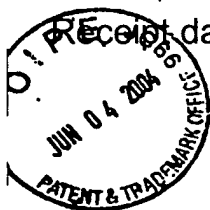
10655409 - GAU: 3696



**APPENDIX A**

U.S. Patent Documents

3,499,646	03/10/1970	Burgess, Jr. et al.
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Receipt date: 06/04/2004

10655409 - GAU: 3696

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Receipt date: 06/04/2004

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APPENDIX C

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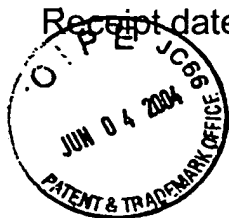
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**APPENDIX D**

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**APPENDIX E**

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Hunt et al.

**APPENDIX F**

U.S. Patent Documents

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**APPENDIX K**

**Other Documents**

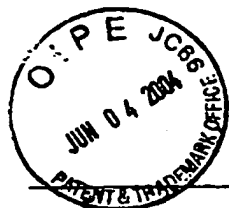
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Guarantees. Sample Completion Guaranty; August, 2000  
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10655409 - GAU: 3696

Sheet 1 of 4



FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

ATTY. DOCKET NO.

10269-20CON  
(HSX/001CON5)

APPLN. NO.

10/655,409

APPLICANTS

Timothy Maxwell Keiser,  
et al.

CONF. NO.

6575

FILING DATE

September 4, 2003

GROUP ART UNIT

3623

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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	3,581,072	05/25/1971	Nymeyer, F.	235	152	
	4,412,287	10/25/1983	Braddock, III, W.	364	408	
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	4,823,265	04/18/1989	Nelson	364	408	
	4,903,201	02/20/1990	Wagner, S.	364	408	
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	5,077,665	12/31/1991	Silverman, D. et al.	364	408	
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	5,270,922	12/14/1993	Higgins	364	408	
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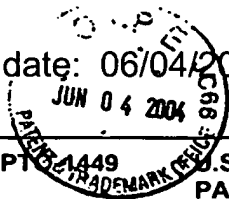
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Sheet 2 of 4



FORM PTOL 4449 U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE  
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10269-20CON  
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10655409 - GAU: 3696

Sheet 3 of 4



<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>	<b>ATTY. DOCKET NO.</b> 10269-20CON (HSX/001CON5)	<b>APPLN. NO.</b> 10/655,409
	<b>APPLICANTS</b> Timothy Maxwell Keiser, et al.	<b>CONF. NO.</b> 6575
	<b>FILING DATE</b> September 4, 2003	<b>GROUP ART UNIT</b> 3623

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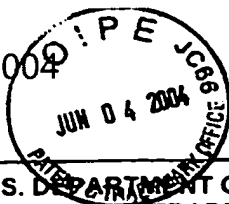
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Sheet 4 of 4

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	<b>APPLICANTS</b> Timothy Maxwell Keiser, et al.	<b>CONF. NO.</b> 6575
	<b>FILING DATE</b> September 4, 2003	<b>GROUP ART UNIT</b> 3623

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